

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORI FEIBUSH,	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	
	:	No. 14-3947
CITY OF PHILADELPHIA,	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of _____, 2016, upon consideration of the Defendant's Motion to Defer Consideration of Plaintiff's Petition for Attorneys' Fees, it is **HEREBY ORDERED** that the Motion is **GRANTED**.

BY THE COURT:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORI FEIBUSH,	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	
	:	No. 14-3947
CITY OF PHILADELPHIA,	:	
Defendant.	:	

**DEFENDANT’S MOTION TO DEFER CONSIDERATION OF
PLAINTIFF’S PETITION FOR ATTORNEYS’ FEES**

Defendant City of Philadelphia moves this Court for an order deferring consideration of Plaintiff’s Petition for Attorneys’ Fees until after the appeal in this case has been resolved. In support of its motion, the Defendant incorporates the attached Memorandum of Law.

DATED: May 31, 2016

Respectfully submitted,

/s/ Michael R. Miller
Michael R. Miller
Assistant City Solicitor
Pa. Attorney ID No. 315759
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5433 (phone)
215-683-5397 (fax)
michael.r.miller@phila.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORI FEIBUSH, Plaintiff,	: : : : : : : : : :	CIVIL ACTION
vs.		
CITY OF PHILADELPHIA, Defendant.		No. 14-3947

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO DEFER
CONSIDERATION OF PLAINTIFF’S PETITION FOR ATTORNEYS’ FEES**

This Court should defer consideration of Plaintiff’s Petition for Attorneys’ Fees. The City of Philadelphia will soon file a motion for judgment as a matter of law in this case, as well as an appeal if the Court denies this motion. In such a situation, the Court has discretion to defer consideration of a petition for attorneys’ fees until the appeal has been resolved. *See Ist Westco Corp. v. Sch. Dist. of Phila.*, No. 91-2727, 1993 WL 117539, at *1 (E.D. Pa. Mar. 31, 1993); *see also Giffler v. Abel*, No. 94-5348, 1996 WL 84816, at *1 (E.D. Pa. Feb. 22, 1996). The Court enjoys such discretion because if it “were to decide, before the Third Circuit adjudicates the appeal, the amount of attorneys’ fees to which plaintiff is entitled, [the] decision could be rendered moot when that court issues its decision,” an outcome that would hinder judicial economy. *Ist Westco*, 1993 WL 117 539, at *1. Therefore, the Court should grant this motion and thereby defer consideration of Plaintiff’s Petition for Attorneys’ Fees.

DATED: May 31, 2016

Respectfully submitted,

/s/ Michael R. Miller

Michael R. Miller

Assistant City Solicitor

Pa. Attorney ID No. 315759

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ORI FEIBUSH,	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	
	:	No. 14-3947
CITY OF PHILADELPHIA,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Motion to Defer Consideration of Plaintiff's Petition for Attorneys' Fees was filed via the Court's electronic filing system and is available for downloading.

DATED: May 31, 2016

/s/ Michael R. Miller
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Pa. Attorney ID No. 315759
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Philadelphia, PA 19102
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